

RE: FW: Fru-Con Riverview Asbestos Site



Randall Whipple to: Hall, Richard Cc: darcy.bybee@dnr.mo.gov, Jamie Green

Bcc: Candace Bias

This message is digitally signed.

Richard,

In response to your inquiry, the landfill would be subject to the applicable requirements of the asbestos NESHAP under § 61.151 Standard for inactive waste disposal sites for asbestos mills and manufacturing and fabricating operations. Please consult EPA's Applicability Determination Index for Inactive Landfill Requirements, Control #A980002, specifically the discussion of 40 CFR 61.151. Under the current regulations, there are two ways that an inactive landfill could be subject to § 61.151:

- 1. If the landfill was operated by an asbestos mill, asbestos manufacturer, or asbestos fabricator under the asbestos NESHAP and also received deposits of ACWM from one of those sources, it would be subject to NESHAP.
- 2. If the landfill was once regulated as an active waste disposal site under the asbestos NESHAP and has since become inactive (see § 61.154(g)).

If MO-MDNR can show that either: the landfill was once operated by a mill, manufacturer, or fabricator subject to the asbestos NESHAP and it received deposits of ACWM from that regulated source; or at some point it should have been considered an active waste disposal site under the asbestos NESHAP then the state has an argument that the landfill must comply with § 61.151.

In regards to the question concerning broken material as regulated ACM, the material would be considered asbestos-containing waste material (ACWM) and subject to all the requirements of § 61.151. Though the issues related to asbestos are subject to the applicable requirements of NESHAP, additional solid waste or waste management requirements may occur. Therefore, you should contact your local state or federal RCRA program representatives.

Randall M. Whipple Senior Asbestos Inspector & Regional Coordinator U.S. Environmental Protection Agency, Region 7 Water, Wetlands, and Pesticides Division Toxics and Pesticides Branch 901 North 5th Street Kansas City, KS 66101

Office: 913-551-7093 913-551-9093

E-mail: whipple.randall@epa.gov

"Hall, Richard" Thank you Randall. I'll wait until I get your furthe... 06/13/2012 07:38:35 AM

From: "Hall, Richard" < richard.hall@dnr.mo.gov> Randall Whipple/R7/USEPA/US@EPA To:

Date: 06/13/2012 07:38 AM

RE: FW: Fru-Con Riverview Asbestos Site Subject:

Thank you Randall. I'll wait until I get your further response before I respond to Mr. Cady.

06/21/2012 02:43 PM

From: Randall Whipple [mailto:Whipple.Randall@epamail.epa.gov]

Sent: Tuesday, June 12, 2012 6:20 PM

To: Hall, Richard

Subject: Re: FW: Fru-Con Riverview Asbestos Site

Richard,

My initial opinion is in agreement with yours that the activities regarding this landfill would be subject to since the site had received ACM regulated waste from manufacturing operations. That being said, regarding waste deposits pre-1973 NESHAP once a landfill becomes subject to § 61.151, disturbance of any asbestos-containing waste material (including non-RACM) would be subject to the applicable requirements. Therefore, this would require the facility (Owner/Operator) to comply with the 45 days notification.

I'm currently researching some ADI's and related correspondence. If you could please wait and not inform the facility or contractor at this time, I want to verify my response. I may have a final response to you by tomorrow.

Thanks for your patience, Richard.

Randall M. Whipple Senior Asbestos Inspector & Regional Coordinator U.S. Environmental Protection Agency, Region 7 Water, Wetlands, and Pesticides Division Toxics and Pesticides Branch 901 North 5th Street Kansas City, KS 66101 Office: 913-551-7093

Fax: 913-551-709

E-mail: whipple.randall@epa.gov

"Hall, Richard" ---06/11/2012 03:50:34 PM---Mr. Whipple, I would like to have your opinion on the scenario described below. Based on our recent

From: "Hall, Richard" ric: Randall Whipple/R7/USEPA/US@EPA
Cc: "Cady, Chris" chris.cady@dnr.mo.gov
Date: 06/11/2012 03:50 PM

Subject: FW: Fru-Con Riverview Asbestos Site

Mr. Whipple, I would like to have your opinion on the scenario described below. Based on our recent discussions about landfill disturbance, I would have to agree that the activity would not constitute a regulated abatement project since landfill disturbance is not considered to be demolition or renovation. However, would the requirements of 61.151 apply since this site was used as a disposal site for manufacturing operations? Does the fact that much or all of the ACWM disposal occurred prior to the effective date of the asbestos NESHAP have any bearing?

Thank you, in advance, for your consideration.

From: Cady, Chris

Sent: Monday, June 11, 2012 12:36 PM

To: Hall, Richard

Subject: Fru-Con Riverview Asbestos Site

Richard,

Following up on my call earlier today.

This project to cap an old asbestos cement scrap landfill in north St. Louis (near Riverview) died on the vine in the early 2000s. It has been resurrected, and I'm checking in on some outstanding questions that were not resolved back then.

The site was enrolled in the Brownfields/Voluntary Cleanup Program in 1998. The site is located at 9250 Riverview Dr. on the banks of the Mississippi River at the mouth of Maline Creek, bordered on the West by Riverview Drive, East by Mississippi River, and South by Maline Creek. It is located in the City although the border is close by to the west. The site was historically used as a landfill for scrap ACM from manufacturing plants in the area, including apparently asbestos cement pipe and sheets (i.e. Transite siding). I believe the material was laid down in the 50s and 60s and possibly extending into the 70s. It is now used as a storage area for construction equipment and salvage. The site has layer of scrap and cement kiln dust up to 15 feet thick, overlain by a covering CKD. The material is exposed at the river bank and is eroding into the Mississippi River. Small pieces of Transite can be seen at the ground surface on top of the landfill.

In 1998, a coalition of asbestos manufacturers and the owner at that time (Fru-Con Construction) set out to stabilize the bank and cap the top surface. The project got as far as approval of a conceptual remedial action plan involving lots of big rocks on the river bank and a soil cap on top. The coalition fell apart before the plan was implemented (one party, GAF if I recall, went into bankruptcy, and at least one other suspected manufacturer did not participate). The surface cap was several acres in size and the riverbank is several hundred feet long, so it is not an inexpensive project.

New owners, Env. Liability Transfer (ELT) have submitted a new plan to cap the site. The plan involves covering the flat top of the landfill area with a soil cap, cutting the top of the river bank down and depositing that material at the bottom to create a sloped bank followed by capping the slope. Env. covenants would be used to prohibit future excavation without proper precautions and to restrict the use of the site to non-residential.

The plan as submitted states that the project is not a regulated abatement project and that no notifications are planned. It also states that perimeter air monitoring and personal air monitoring will be used along with water for dust control.

I have two basic questions:

1) Is the broken material a regulated ACM and how does that affect how the project should be conducted (both capping and riverbank cut/fill/cap)? In other words, are the above measures considered sufficient?
2) If this is not a NESHAPS regulated project, are there any other regulations that would apply to the site that we need to look out for?

As I said, I am fairly confident we can get this project done safely using dust control and air monitoring, but just wanted to make sure that the remediating party is following all applicable regulations.

I am making comments on the draft plan and will leave a placeholder for your and EPA's response if I don't hear back before this letter goes out. I do think they would like to begin fairly soon this year.

Thanks,

Chris Cady, Ph.D. Environmental Specialist Brownfields/Voluntary Cleanup Section Hazardous Waste Program (573) 526-8916